

2312.69388



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bruce McKendry
Serial No.: 10/764,731
Conf. No.: 8641
Filed: 01/26/2004
For: APPARATUS FOR EXPRESSING MILK
Art Unit: 3767
Examiner: Macneill, Elizabeth

I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

21 March 07
Date Registration No. 29,367
Attorney for Applicant(s)

**PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION PURSUANT TO 37 C.F.R. §1.137(b)**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants' attorney respectfully petitions for revival of the above-identified unintentionally abandoned application.

On October 17, 2006, Applicants filed in the present case (Serial No. 10/764,731) an Amendment A, together with an Amendment Transmittal and Petition for Extension of Time (copy enclosed). However, due to an inadvertent typographical error, the serial number that appears in the caption to both Amendment A and the Transmittals mistakenly reads as "09/876,891," which is actually the serial number of a related case to this application.

To eliminate any further potential confusion between the two case files, applicants enclose a corrected Amendment A and Transmittals, on which the correct serial number has been inserted.

Enclosed are the following documents and fees:

- (a) A copy of Amendment A, together with an Amendment Transmittal; and
- (b) Petition fee pursuant to 37 C.F.R. § 1.17(m) to revive unintentionally abandoned application in the amount of \$750.00.

Applicants' attorney hereby states that the entire delay in filing the required reply from the due date of the reply until the filing of this Petition was unintentional, and accordingly Applicants' attorney respectfully requests revival of the above-named application.

The Commissioner is authorized to charge any additional fees, including fees related to any necessary extension of time, and to credit any refunds, to Deposit Account No. 07-2069. A duplicate of this Petition is enclosed.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By

Patrick G. Burns
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March 21, 2007
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COPY

2312.69388

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bruce McKendry
Cont. of 09/876,891
Serial No.:
Conf. No.: 7561
Filed: June 7, 2001
For: APPARATUS FOR
EXPRESSING MILK

Art Unit: 3763
Examiner: Roz Maiorino

I hereby certify that this paper is being deposited with the United States Postal Service in an envelope addressed to: MS Amendment Commissioner for Patents, Alexandria, VA 22313-1450, on this date.

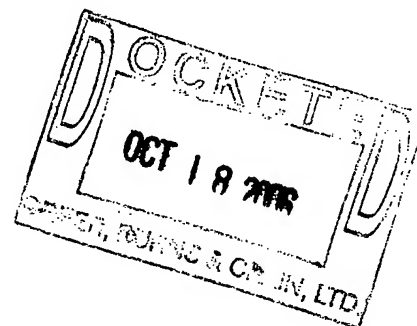
17 Oct 06

Date

Registration No. 29,367
Attorney for Applicant

AMENDMENT A

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Dear Sir:

In response to the Office Action mailed June 5, 2006, please amend the above-identified application as follows:

In the Claims:

Please amend claim 9 as follows:

1. (Previously Presented) Apparatus for expressing milk from a breast comprising

a milk collector unit having

a manifold, the manifold having a vacuum path, the vacuum path having
an inlet, an outlet and a midsection between said inlet and said outlet, said outlet being
connected to a vacuum source,

a collection vessel operatively connected to said midsection of said
vacuum path, and

a cup assembly, said cup assembly having a housing with an inlet for the
breast, and an outlet operatively connected to said inlet of said vacuum path in said manifold,
said cup assembly also having a liner in said housing, the vacuum path passing within said
liner, said liner being secured with respect to said housing to form a space with said housing
which is in communication with a pulsating pressure path and a pulsating pressure source,

a vent in said pulsating pressure path providing controlled relief of
pressure , and

means for increasing the area for breast extension during milk
expression.

2. (Original) The apparatus of claim 1 wherein said cup assembly includes a pad located in the input end of said housing.

3. (Original) The apparatus of claim 1 wherein the pressure in the pulsating path pulsates at a rate of 41 to about 65 pulses per minute.

4. (Original) The apparatus of claim 1 wherein the vacuum in the vacuum path varies between about .5" mercury and about 5" mercury through the pulsation cycle.

5. Canceled.

6. (Original) The apparatus of claim 1 comprising a filter between the vacuum source and the said outlet, said filter being substantially permeable to air when dry or wet, and substantially impermeable to liquid, fats and solid components in the milk.

7. (Original) The apparatus of claim 1 wherein said milk collector unit further includes a removable cap, said cup assembly being secured to said milk collector unit by both said manifold and said cap.

8. (Original) The apparatus of claim 7 wherein said vacuum path passes through said cap and said manifold to said cup assembly, and

said pulsating pressure path passes through said cap to a pressure port in said cup assembly, said pressure port being in communication with said space between said housing and said liner.

9. (Currently Amended) Apparatus for expressing milk from a breast comprising:

a milk collector unit having

a manifold, the manifold having a vacuum path, the vacuum path having an inlet, an outlet and a midsection between said inlet and said outlet, said outlet being connected to a vacuum source,

a collection vessel operatively connected to said midsection of said vacuum path, and

a cup assembly, said cup assembly having a housing with an inlet for the breast, and an outlet operatively connected to said inlet of said vacuum path in said manifold, said cup assembly also having a liner in said housing, the vacuum path passing within said liner, said liner being secured with respect to said housing to form a space with said housing which is in communication with a pulsating pressure path and a pulsating pressure source,

a vent in said pulsating pressure path providing controlled relief of pressure , and

means for increasing the area for breast extension during milk expression;

~~The apparatus of claim 1~~ wherein said vacuum source and said pulsating pressure source comprise an air pump having a movable diaphragm in a chamber, a shaft operatively connected to said diaphragm and a motor which oscillates said diaphragm axially by means of said shaft, said motor being coupled to said diaphragm through threaded engagement that translates motor rotation into diaphragm oscillation.

10. (Previously Presented) Apparatus for expressing milk from a breast comprising

a milk collector unit having

a manifold, the manifold having a vacuum path, the vacuum path having an inlet, an outlet and a midsection between said inlet and said outlet, said outlet being connected to a vacuum source,

a collection vessel operatively connected to said midsection of said vacuum path,

a cup assembly, said cup assembly having a housing with an inlet for the breast, and an outlet operatively connected to said inlet of said vacuum path in said manifold, said cup assembly also having a liner in said housing, the vacuum path passing within said liner, said liner being secured with respect to said housing to form a space with said housing

which is in communication with a pulsating pressure path and a pulsating pressure source,
and

means for increasing the area for breast extension during milk
expression,

wherein the pressure in the pulsating path pulsates at a rate of 41 to
about 65 pulses per minute.

11. (Previously Presented) The apparatus of claim 1 wherein said means
for increasing the area for breast extension comprises a boss.

12. (Previously Presented) The apparatus of claim 11 wherein said boss
is part of said manifold.

13. (Previously Presented) The apparatus of claim 1 wherein said liner
is secured with respect to said housing at said first and second ends of said liner, said first
and second ends being wrapped around respective ends of said housing.

14. (Previously Presented) The apparatus of claim 1 wherein said
collection vessel has an inlet adjacent said manifold, said inlet having a one-way valve.

15. (Previously Presented) The apparatus of claim 14 wherein said one-way valve is a duck bill valve.

16. (Previously Presented) The apparatus of claim 1 wherein said cup assembly is press fit in said manifold.

17. (Previously Presented) The apparatus of claim 1 wherein pulsating pressure pulses generated by the pulsating pressure source increase the vacuum at the breast.

18. (Previously Presented) The apparatus of claim 1 wherein said vacuum source produces a fairly steady vacuum at the breast without pulsation pressure, the vacuum periodically increasing when pulsation pressure pulses are applied to said liner through said space.

19. (Previously Presented) The apparatus of claim 18 wherein said boss is part of said manifold.

20. (Previously Presented) The apparatus of claim 10 wherein said liner is secured with respect to said housing at said first and second ends of said liner, said first and second ends being wrapped around respective ends of said housing.

21. (Previously Presented) The apparatus of claim 10 wherein said collection vessel has an inlet adjacent said manifold, said inlet having a one-way valve.

22. (Previously Presented) The apparatus of claim 20 wherein said one-way valve is a duck bill valve.

23. (Previously Presented) The apparatus of claim 10 wherein said cup assembly is press fit in said manifold.

24. (Previously Presented) The apparatus of claim 10 wherein the pressure pulses increase the vacuum at the breast.

25. (Previously Presented) The apparatus of claim 10 wherein said vacuum source produces a fairly steady vacuum at the breast without pulsation pressure, the vacuum periodically increasing when pulsation pressure pulses are applied to said liner through said space.

26. (Previously Presented) Apparatus for expressing milk from a breast comprising
a milk collector unit having

a manifold, the manifold having a vacuum path, the vacuum path having an inlet, an outlet and a midsection between said inlet and said outlet, said outlet being connected to a vacuum source,

a collection vessel operatively connected to said midsection of said vacuum path, and

a cup assembly, said cup assembly having a housing with an inlet for the breast, and an outlet operatively connected to said inlet of said vacuum path in said manifold, said cup assembly also having a liner in said housing, the vacuum path passing within said liner, said liner being secured with respect to said housing to form a space with said housing which is in communication with a pulsating pressure path and a pulsating pressure source,

said vacuum source producing a fairly steady vacuum at the breast in the absence of pulsation pressure, pulsating pressure pulses produced by said pulsating pressure source periodically increasing said vacuum within said liner.

27. (Previously Presented) The apparatus of claim 26 wherein said vacuum draws said liner toward the breast, and said pulsating pressure pulses expand said liner away from the breast when the vacuum within said space is increased.

REMARKS

As a preliminary matter, claim 9, which was found to be allowable, has been rewritten in independent form. Allowance is requested.

The Office Action indicates that claims 1-10 are pending in this application, but a Preliminary Amendment was filed on January 26, 2004, amending claims 1, 9, and 10, and adding new claims 11-27. Since the pending claims were not examined, applicants request that the next action be non-final. However, in an effort to expedite prosecution, Applicant will address the cited references in view of the claims in their present form.

Independent claims 1, 10, and 26 define two air paths. One air path is a vacuum path, and the other is a pulsating pressure path. The vacuum path is operatively connected to the inside of a liner, into which the breast fits for milk expression. The pulsating pressure path communicates with the other side of the liner, in a space formed between the liner and the housing, to put pulsating pressure around the outside of the breast during milk expression.

Grant et al. '262 only applies vacuum, not pulsating pressure. Indeed, there is no liner separate from a housing in which to form a space for applying pulsating pressure. Grant et al. disclose a vent in the vacuum path, but there is no vent in a pulsating pressure path, as in amended claim 1.

Ford '246 discloses a liner in a housing, but a pulsating pressure path separate from the vacuum path is not disclosed. There is also no vent, as in amended claim 1.

Larson '403 does not disclose a liner, or a pulsating pressure path.

Whittlestone et al. '596, disclosed by Applicant, discloses a cup having a liner, a vacuum source, and a pulsating pressure source, but Whittlestone does not disclose a vent in the pulsating pressure path or the means for increasing the area for breast extension during milk expression, as in amended claim 1. Whittlestone also does not disclose the pulsating pressure rate of claim 10, or the manifold of claims 1, 10, and 26.

For the foregoing reasons Applicants submit that this case is in condition for allowance, which is respectfully requested. The examiner should call applicants' attorney if an interview would expedite prosecution.

Respectfully submitted,

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October 16, 2006

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